

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re JUAN AGUAS ROMERO,)	
)	
Plaintiff,)	
)	
v.)	
)	Consolidated Case No.
DRUMMOND COMPANY, INC.,)	CV-03-BE-0575-W
DRUMMOND LTD,)	("lead case")
GARRY N. DRUMMOND,)	
AUGUSTO JIMENEZ,)	
)	
Defendants.)	
)	

STATEMENT OF INTEREST OF THE UNITED STATES

On May 15, 2006, the Court sent a letter to the United States Department of State and the United States Department of Justice requesting the views of the United States as to the possible impact that adjudication of these pending consolidated lawsuits might have upon the conduct of foreign affairs. Specifically, the Court inquired of three matters: (1) Whether the State Department, at the appropriate level, is aware of and/or monitoring these cases. If so, did the State Department make a prior decision not to intervene in these cases; (2) Whether the State Department has an opinion (non-binding) as to whether continued adjudication of this matter may have an adverse impact on the interests of the United States; and (3) Whether plaintiff Jimmy Rubio Suarez, a Colombian citizen now residing in Venezuela for whom an arrest warrant allegedly has been issued by Colombian authorities, should be permitted to maintain this action

from, and be deposited in a third country.¹

Attached for the Court's information is a letter from U.S. Department of State Legal Adviser John B. Bellinger, III to Jeffrey S. Bucholtz, Principal Deputy Assistant Attorney General, Civil Division, U.S. Department of Justice, dated July 14, 2006, which sets forth the current views of the United States on the questions posed by the Court.

The United States also respectfully wishes to advise the Court that it has recently argued in statements of interest filed in matters pending before the Second and Ninth Circuits that, absent a clear direction from Congress, courts should not recognize civil aiding and abetting claims under the Alien Tort Statute ("ATS"). The United States takes no position on whether, or to what extent, plaintiffs are advancing such a claim in these actions. Nevertheless, for the Court's reference, the United States is attaching hereto a brief filed in *Khulamani v. Barclay National Bank, LTD.*, Nos. 05-2141, 05-2326 (2d Cir.), which addresses this issue.²

Respectfully submitted,

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Civil Division

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United States Attorney

JOSEPH H. HUNT
Director, Federal Programs Branch

¹ The Court also requested a prompt response to an earlier request to the Department of State for visa records. The Department of State responded to that request directly on June 1, 2006, in accordance with normal Department of State practice.

² The United States acknowledges that its position appears to be contrary to *Cabello v. Fernandez-Larios*, 402 F.3d 1148, 1158 (11th Cir. 2005) (holding that the ATS "permit[s] claims based on direct and indirect theories of liability").

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